Staff Report

Subject:	**2ⁿᵈ Reading Zoning Map Amendment**
Author:	Teresa Concannon, AICP, Planning & Zoning Manager
Department:	Development Services
Meeting Date:	May 3, 2022

Item Description: **Catalyst Investment Partners, LLC** as Agent for **Ernest J. Oetgen** requests a **variance** from *section 3.4 Buffers* to reduce required buffers for an industrial property, to accommodate a proposed industrial development. Located on Godley Road, zoned **I-1**. **Map# 399 Parcel# 3R**

Summary Recommendation

Staff has reviewed the application, and recommends **denial** of a request for a **variance** from *section 3.4* to reduce required buffers for an industrial property.

Executive Summary/Background

- Pursuant to Appendix C-Zoning Ordinance, Article VII-Planning Board, Section 7.1.8, variances may only be granted if the following findings are made:

  That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness, of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not to circumstances or conditions generally created by the provisions of the zoning ordinance in the neighborhood or district in which the property is located; and

  That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning ordinance, and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

- Container storage yards are a heavy industrial use. 399-3R is surrounded by AR-1 and R-4 zoned property. The required buffer between heavy industrial and AR/R zoning districts is 300'.

- The parcel to the west is zoned R-4. The proposed buffer reduction is from 300' to 25'. The parcel (399-3T) to the north, south, and east is zoned AR-1. The requested buffer reduction is from 300' to 25' along the north and south boundary, and from 300' to 0' along the east boundary.

- A portion of the land to the east is in Bloomingdale, and is in the R-A-1 zoning district. The purpose of R-A-1 is *"to protect those rural areas within urban expansion areas of the county for future low density residential urban development and to protect certain rural highway roadside areas against strip development which can lead to traffic congestion, traffic hazards, and roadside blight."*

- Bloomingdale requires a 50' buffer with 25' berm where industrial land abuts agricultural land. A letter of opposition is attached.

- The applicant elected to rezone the 6-acre tract to I-1 (approved on 2/15/2022). The buffer requirements were discussed at the sketch plan pre-application meeting on 2/16/2022.

- The lot does not present any exceptional topographical features; it is merely too small to accommodate a heavy industrial use and the required buffers. There are isolated parcels nearby used for surface mining, but 399-3R is surrounded by R and AR zoned land. There are home sites nearby, as well as stables and horse riding across Godley Road.

- Given the low intensity residential and recreational uses of most surrounding land on Godley Road and Oetgen Road, there is no case to be made for reducing the buffer on the industrial tract. The solution is to increase the size of the project site to allow for inclusion of a 300' vegetative buffer to screen the heavy industrial use and allow for stormwater filtration.

- At the April 18 Planning Board meeting, Brad Smith made a motion to **deny** the request for a variance from *section 3.4* to reduce required buffers for an industrial property.

- The motion was seconded by Peter Higgins, and carried unanimously.

Alternatives

1. Approve the request for a **variance** to reduce required buffers for an industrial property

2. Deny the request for a **variance** to reduce required buffers for an industrial property.

Recommended Alternative: 2   **Other Alternatives:** 1

Department Review: Development Services   **FUNDING:** N/A
Attachments: 1. Zoning Map Amendment